

Speaking notes for the Procurement Ombudsman's appearance  
before the Standing Committee on Government Operations and  
Estimates

*April 17, 2018*

Check Against Delivery

Thank you Mr. Chair and committee members for this invitation.

It's an honour to be here today participating in this discussion. My name is Alexander Jeglic, and I have been the Procurement Ombudsman since April 3<sup>rd</sup> – exactly two weeks ago.

From my first day on the job, it has been evident that my Office is made up of quality people who are working hard to respond to the questions, concerns and issues of Canadian suppliers, and who work to promote fairness, openness and transparency in federal government procurement.

I understand the Committee wanted to hear from me as a new appointee to the position of Procurement Ombudsman. Allow me therefore to provide you with some information on my previous experience, education and training.

Before joining the Office of the Procurement Ombudsman, I served as General Counsel, Access to Information and Privacy Coordinator and more recently Corporate Secretary for Public Partnerships Canada Inc. or PPP Canada.

PPP Canada was a federal Crown corporation created to improve the delivery of public infrastructure by achieving better value, timeliness and accountability to taxpayers through public, private, partnerships.

At PPP Canada, I provided legal and strategic advice on procurement processes for large infrastructure projects predominantly in an oversight role.

Prior to joining PPP Canada, I worked at the Canadian Commercial Corporation, another federal Crown corporation, as Senior Legal Counsel. There, I was involved in the drafting of solicitation documents for projects of varying complexity, and provided legal advice on the procurement process through to contract award. Post contract award, I was also responsible for resolving disputes associated with contract management.

Over the course of my 6-plus years at the Canadian Commercial Corporation, I had the benefit of playing a multitude of different roles in the procurement process including drafter, evaluator and advisor.

Playing these respective roles provided me important insights into each aspect of the procurement process and the associated issues. While working at the Canadian Commercial Corporation and PPP Canada, I taught dispute resolution and negotiation at Algonquin College. I also taught procurement law in the undergraduate law program at Carleton University.

At Carleton University, my teaching spanned over a 6 year period. It provided me the opportunity to connect with students, and help prepare and equip the procurement practitioners of the future.

Prior to joining the Canadian Commercial Corporation, I worked for the Department of Justice. I was assigned to the Legal Services Unit at the Department of Foreign Affairs and International Trade, now Global Affairs Canada. While there, I had the opportunity to assist in the drafting and review of solicitation packages, participate in supplier debriefs and resolve disputes associated with ongoing contracts.

Prior to that, I worked in Washington D.C. for the Australian Trade Commission as Business Development Manager and International Trade Advisor. In this role I was part of the "Selling to the U.S." Government team which was created as a result of the then newly signed Australia-U.S. Free Trade Agreement.

My role allowed me the opportunity to assist Australian companies identify and bid on procurement opportunities at the federal and state level.

I learned a great deal about procurement in this role and experienced first-hand the challenges faced by suppliers.

Before that, I worked for the Chicago International Dispute Resolution Association in Chicago, Illinois. The Association provides a forum for resolving transnational business disputes in a neutral and private setting for arbitration and mediation. At the Association, I was primarily responsible for outreach, research and facilitation of monthly meetings. I gained skills that continue to help me successfully de-escalate contractual disputes.

In terms of education and training, I graduated law school at Loyola University Chicago with a certificate in international law. I completed my undergraduate studies here in Ottawa at Carleton University where I completed a BA in law with a concentration in business law. I am incredibly proud to be a graduate of Carleton University and continue to give back to the Carleton Community through the mentorship program.

I genuinely believe that my work experience, combined with my training and education have provided me a well-rounded perspective and prepared me well for my role as Procurement Ombudsman. I am confident my perspective will allow me to have an objective and impartial view of the current approaches being used in federal government procurement.

My perspective also provides me with a balanced appreciation of what suppliers are going through in trying to navigate the federal procurement process, since I've essentially been on "the other side of the fence".

While it is very early in my mandate, the priorities that I will focus on are starting to crystalize in my mind.

First, my Office will continue to focus on the core activities of my legislative mandate in a way that is straightforward, efficient and transparent.

This applies to reviews of supplier complaints, reviews of departments' procurement practices, and the contract dispute resolution services that we provide.

I want to increase the amount of information we share with suppliers, departments and other interested parties in the area of procurement.

In addition to transparency, I want to emphasize the theme of simplification.

Procurement is by its very nature quite complex. Suppliers must be clearly told what the buyer is looking for (criteria), how their proposals will be evaluated, and how the winning bid will be selected.

This can be painstakingly detailed, but often necessary to ensure fairness, openness and transparency. I am a strong believer that federal organizations need to take every available opportunity to simplify procurement.

Simplification will help address concerns that my Office continues to hear from suppliers and federal officials alike. My Office often hears that federal procurement is too complicated, time consuming and bureaucratic.

This will not be an easy task, and as I begin this mandate as the Procurement Ombudsman, I plan on both encouraging and promoting efforts across the board that contribute to the simplification of federal procurement.

Another area where my office can add a great deal of value is in the resolution of disputes for contracts that have already been awarded.

When Canadian businesses and federal departments get bogged down in lengthy disputes, nobody benefits, least of all the taxpayers. The cooperative nature of dispute resolution services provides faster results and more flexibility to both parties.

My office's Alternative Dispute Resolution services represent an effective tool to get contracts back on track, goods and services delivered, and suppliers paid. It represents an effective tool to get contracts back on track, goods and services delivered, and suppliers paid.

My office has a successful track record in providing dispute resolution services and mediating disputes. I would like to see these services leveraged by more federal organizations and suppliers across the country.

There isn't always a need for formal dispute resolution. My office has done a great job in resolving issues without having to resort to a formal dispute resolution process. Although these instances don't show up in our official statistics, this is something I intend to continue to promote and track as it aligns with the principles of simplicity and helpfulness that my office stands for.

And finally, I will also be looking to expand my Office's procurement expertise by performing deeper and more comprehensive analyses on procurement-related issues.

This will enable my office to have a more fulsome understanding of the root issues driving the complaints to my office. To align with transparency, this research will be shared as broadly as possible.

My office will then be in position to help resolve issues before they turn into complaints, which simplifies the process. I believe that my Office is well placed to play this role because we hear first-hand from both suppliers and federal officials about the good and not-so-good practices in federal procurement.

We have a lot of information to share and I will seek opportunities to do so in the future, through consultations with stakeholders, participation in procurement-related conferences and meetings with federal government decision-makers to provide my perspective.

I welcome the opportunity to come back to this Committee in the future to report back on the four priorities that I have just laid out, namely:

- Transparency
- Simplification
- Growth in dispute resolution services
- Knowledge and development sharing

In closing, I would like to thank Committee members for inviting me, and I would be pleased to answer your questions. Thank you.